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**NEW JERSEY BOARD OF PUBLIC UTILITIES
ALL UTILITIES
N.J.A.C. 14:3-1.1, 3.6, 5.1, 6.6, 7.7, 7.12 AND 7.14**

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Proposed: January 6, 2003 at 35 N.J.R. 91.

Adopted: December 5, 2003 By the Board of Public Utilities, Jeanne M. Fox, President, and Frederick F. Butler, Carol J. Murphy, Connie O. Hughes, and Jack Alter, Commissioners.

Filed: December 9, 2003 as R. 2003 d. , with substantive and technical changes not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

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The New Jersey Board of Public Utilities (Board) is adopting amendments to its rules for all utilities at N.J.A.C. 14:3. These amendments reflect previous suggestions made by commenters on the 2002 readoption proposal, as well as changes deemed necessary by the Board.

The proposed amendments were published on January 6, 2003 at 35 N.J.R. 91. The Board accepted comments on the proposal through March 7, 2003. Eleven people submitted comments, which are summarized below, with the Board's responses.

Summary of Public Comments and Agency Responses:

The following parties submitted timely comments on the proposal:

1. Tracey Thayer, Director, Regulatory Policy, on behalf of New Jersey Natural Gas Company (NJNG);
2. William P. Sukaly, Vice President, Marketing, Rates and Regulatory Affairs, on behalf of NUI Elizabethtown Gas (NUI);
3. Ira G. Megdal, Cozen & O'Connor, on behalf of South Jersey Gas Company (SJGC);
4. Bruce D. Cohen, Vice President & General Counsel, on behalf of Verizon New Jersey, Inc. (VNJ)
5. Michael P. Walsh, President, on behalf of Shorelands Water Company, Inc. (SWC);
6. Kenneth J. Quinn, General Counsel, on behalf of Middlesex Water Company (MWC);
7. Meg Neafsey, Director of Customer Relationship Management, on behalf of Elizabethtown Water Company (EWC);
8. Gregory Eisenstark, Assistant General Solicitor, on behalf of Public Service Electric & Gas Company (PSE&G);
9. Michael J. Connolly, Esq., Thelen Reid & Priest LLP, on behalf of Jersey Central Power & Light Company (JCP&L);
10. David McMillen, Senior Attorney, on behalf of Legal Services of New Jersey (LSNJ); and
11. Bradford M. Stern, Rothfelder Stern, L.L.C., on behalf of Warwick Valley Telephone Company (WVT).

N.J.A.C. 14:3-1.1 Definitions

1. **COMMENT:** We urge that the proposed change to the definition of "customer" not be made. The change would make each tenant or resident of a condominium or multi-family dwelling an end-user. Currently a number of customers are serviced by a master meter, which is then used to supply water to multiple tenants. It is the person responsible for the master meter, usually a management company, who is considered the customer. The tenants are the end-users, and the utility has no information about them and no way to contact them. We do not bill individual tenants directly, nor do we control how much each tenant pays for water service. If each tenant is now to be considered a customer as an end-user of the utility's service, we would have to be provided with the name and address of each tenant occupying the complex. Although this responsibility would presumably fall upon the property manager, it is a large administrative requirement that would be difficult to enforce. In the absence of further clarification, it would be difficult for any utility to truly know who its customers are. Accordingly, a provision should be added to require a billing party which supplies multiple tenants with water to provide updated tenant lists to the utility. **(MWC)(NJNG)**

2. **COMMENT:** The change to the definition of "customer" should be made only if all multiple family, condo/tenant associations and master meter account holders provide their local water purveyor the names, addresses and phone numbers of all end-users on an annual basis. Additionally, the rule should require quarterly updates to this list. Otherwise, the Board should define who is encompassed by the term end-user. If the proposed language is modified to require all multiple family, condo/tenant associations and master meter accounts to provide the local water purveyor the names, addresses and phone numbers of all end-users of said service, annually at a minimum, the proposed modification would be achievable. **(EWC)**

RESPONSE to comments 1 and 2: The addition of the term "end-user" is meant to address the situation where the end user of the utility service is not the bill-paying customer. In some cases, such as where the landlord is the customer and the tenant the end user, the end user needs to be notified of pending discontinuance through the methods required herein. The Board realizes that the person who receives the utility service is not necessarily the person who actually pays the bill. Therefore, the Board has clarified the definition of Customer, End-User, Residential Customer and Person to clarify this ambiguity. The change in the definition of a customer is intended to reflect the fact that the bill paying customer of a utility's service may not be the person(s) receiving the service. Moreover, the change in the definition of an end-user reflects the fact that the person actually using the service need not be the one who directly pays the utility for that service, but should still be notified of pending discontinuance because they rely on the service. Next, the definition of a residential customer has been clarified to reflect the fact that this type of customer receives service solely for their own use and not for use by additional parties. Finally, the definition of person has been added to show that it encompasses more than a single individual, and to ensure a consistent use of this term throughout chapter 3. Therefore, an end-user who is not a customer of record, but who actually receives and uses the utility service would require a notice of discontinuance under the adopted rule. The Board acknowledges that it may be difficult or impossible to reach every tenant in all situations, and the rule reflects this.

However, the Board believes that it is crucial that tenants be made aware that their utility service is in jeopardy of discontinuance where the landlord is responsible for paying the bill and is delinquent.

N.J.A.C. 14:3-3.6 Basis of Discontinuance of Service

3. COMMENT: The proposed change to a 48-hour time frame is a positive change. The rule, however, should be modified to change the high temperature from 95 degrees Fahrenheit to 90 degrees or higher, for protection from termination of utility services, in order to prevent unnecessary heat-related deaths. National Weather Service analyses show that the potential for serious, life-threatening health consequences as a result of excessive heat begins to arise at 90 degrees, and becomes pronounced under typical summer conditions in New Jersey as the temperature rises from 90 degrees to 95 degrees. **(LSNJ)**

RESPONSE: N.J.S.A. 48:2-29.45 directs the Board to provide for the continuation of electric service during periods of excessive heat to those residential customers who would be eligible for protection under the Board's Winter Termination Program. N.J.S.A. 48:2-29.44(c) directs the Board to ensure that at-risk individuals do not experience an interruption in electrical service during periods of sustained heat. The Board chose a high temperature of 95 degrees for protection from termination of utility service because at this temperature New Jersey citizens face a severe threat to their health and well-being. Although there may be some danger to some individuals at 90 degrees, the likelihood of severe health effects becomes substantially higher at 95 degrees. Therefore, in an effort to provide adequate protection without unduly burdening the utilities, the temperature of 95 degrees has been adopted as proposed.

4. COMMENT: The proposed rule should read: Nothing in **these paragraphs (N.J.A.C. 14:3.3-6, 5-6)** shall relieve the customer of any financial obligation to the **electric or gas** utility providing the service. **(NUI)**

RESPONSE: The commenter's suggested change has not been made. While it is true that nothing in N.J.A.C. 14:-3.6 relieves customers of their financial obligations to the utilities, the suggested change could be considered to be too substantive to make upon adoption and therefore has not been made. The Board will clarify this point in a future rulemaking.

5. COMMENT: The rule should be modified to demonstrate customer eligibility for the Winter Termination Program at the time of the intended termination of service. The language should read: "If a customer is eligible for the Winter Termination Program under N.J.A.C. 14:3-7.12A, **and demonstrates such eligibility at the time of intended termination**, and the high temperature is forecast to be 95 degrees Fahrenheit or more at any time during the following 48 hours, an electric utility shall not discontinue residential service to a customer for reasons of nonpayment of a delinquent account, failure to pay a cash security deposit or guarantee, or failure to comply with a deferred payment agreement." This amendment would, among other things, avoid disputes concerning the necessary timing with respect to the determination of Winter Termination Program qualification. **(JCP&L)**

RESPONSE: The Board's intent is to ensure that eligible customers receive needed protection in a timely manner, in order to ensure their health and safety. Many customers who are eligible for these services have limited resources and the process of proving their eligibility would be difficult for such customers. Requiring proof of eligibility prior to receipt of protection may delay or prevent such protection during periods of extreme temperature.

N.J.A.C. 14:3-5.1 Location

6. COMMENT: The proposed amendment to N.J.A.C. 14:3-5.1(a)1, requiring utilities to file an annual report listing the address and functions of its business offices, is unnecessary since the requested information is contained within the Company's filed tariff. Moreover, proposed N.J.A.C. 14:3-5.1(a)2, requiring that utilities provide at least 14 business days advance notice prior to changing the functions of any of its business offices, provides sufficient advance notice to the Board of any proposed change to a utilities business office's address or function. Therefore, the need for N.J.A.C. 14:3-5.1(a)1, as amended, is moot. It is recommended that N.J.A.C. 14:3-5.1(a) as it exists and as it is proposed be eliminated and that the new proposed paragraph N.J.A.C. 14:3-5.1(a)2 should be adopted but renumbered as subparagraph (a)1. **(JCP&L)**

RESPONSE: The information provided in the utilities' tariffs is inadequate because utilities are not required to file tariffs annually. The Board must have up-to-date information on utilities' business offices so it may contact these offices to forward complaints and to properly monitor the performance of these business offices. Moreover, the 14-day notices provided under N.J.A.C. 14:3-5.1(a)2 do not provide the comprehensive picture of activities in each utility's business offices, which is required for Board staff to obtain an overall understanding of utility activities. Therefore, the Board has adopted the rule as proposed.

7. COMMENT: The proposed amendment at N.J.A.C. 14:4-5.1(a), requiring advance notice of "any proposed change in function" of an in-person business office is unnecessary. So long as a customer is able to make application for service, pay bills, and register complaints, the additional functions performed at such offices – and changes to those functions – appear irrelevant. More appropriate information, to be filed on an annual basis, would be closure of an office, or the removal of any of these key functions, or the means for the customers to communicate with a customer service representative from such an office. **(VNJ)**

RESPONSE: Board staff requires information regarding changes in function in order to keep an updated list of the functions of each of the utility's offices. Receipt of such information enables Board staff to contact the appropriate office to resolve complaints or in case of an emergency. Accordingly, staff may find it more difficult to contact the appropriate office for any given situation, because, due to changes in office functions, they do not know which is the appropriate office to contact. We agree that the information listed by the commenter is also important and the rules require the submittal of this information under N.J.A.C. 14:3-5.1(b) through (e).

N.J.A.C. 14:3-6.6 Telephone System Information

8. **COMMENT:** The proposed amendment to N.J.A.C. 14:3-6.6(a)(21)(iii), making the requirement that utilities inform the Board within 30 days of any substantive changes to the utility's telephone system information applicable to all of N.J.A.C. 14:3-6.6, is unnecessary since N.J.A.C. 14:3-6.6(a) already requires semi-annual reports for the information listed in the proposed amendment. As a result, a substantive change in information would require a report be to filed, at most, 150 days prior to the due date for the next filing of a semi-annual report. Thus, a 30-day reporting requirement seems unnecessary and economically inefficient. **(JCP&L)**

RESPONSE: The amendment to N.J.A.C. 14:3-6.6(a)21iii will enable Board staff to properly monitor a utility's telephone service in order to determine whether customers are receiving proper service from the utility. Indeed, the Board staff requires 30 days notice to ensure that it has up-to-date information on the utility's telephone system information. Although, the semi-annual reporting requirement provides Board staff with updated information, it does not allow the Board to respond to deficiencies in a utility's performance quickly enough to ensure adequate customer service. Consequently, the reporting requirements under the adopted rule will allow staff to better monitor utility performance and rectify deficiencies more rapidly.

9. **COMMENT:** With respect to proposed N.J.A.C. 14:3-6.6(c), requiring utility answering services to inform customers that they are not speaking directly with the utility, we are not aware of any utility confusion that needs to be reduced with respect to telephone answering services. Without evidence of a pattern of customer complaints indicating that the failure to identify an answering service, as distinct from the utility that employs such service, has created confusion and the risk of harm or actual harm to customers, there is no demonstrable need for this regulation. **(JCP&L)**

RESPONSE: N.J.A.C. 14:3-6.6(c) is intended to ensure that customers expecting swift resolution of their problem understand that they may have to wait until the information is relayed to the utility before their problem can be resolved.

N.J.A.C. 14:3-7.7(b)

10. **COMMENT:** The rules should not require customers to opt-in for Spanish language notices. An opt-in procedure would reduce the level of participation in the program. Furthermore, customers may not see the notice, while some might not call for fear of discrimination or other negative consequences. The rules should require that the Spanish language notice be a part of all notices of discontinuance. In the alternative, the rules should be clarified to read: Each utility shall include on each bill **and on each notice of discontinuance** a statement, written in Spanish, informing the customer **(i)** that they may request **a copy of** any notice of discontinuance be provided in Spanish, **and (ii) that upon making such a request, future notices of discontinuance will be provided in Spanish only**. The bill shall provide a toll free telephone number for the customer to call when making such a request. Upon receipt of a request to provide written notices of discontinuance in Spanish, **that notice and** all subsequent written notices of discontinuance to the requesting customer, shall be provided in both Spanish and English. **The 10-day notice period under N.J.A.C 14:3-7.12(a) shall begin to**

run when the customer receives a Spanish language notice of discontinuance.
(LSNJ)(NUI)(NJR)

RESPONSE: N.J.A.C. 14:3-7.7(b), as proposed, balances the needs of Spanish speaking customers with the utility goal of avoiding sending unneeded notices. The commenter's suggested amendments would increase utility cost, but are not clearly necessary, because of the varying distribution of Spanish speaking customers through the State. Thus the amendments would result in increased cost without clear benefits. Therefore, the Board has not made the suggested change.

11. **COMMENT:** Proposed N.J.A.C. 14:3-7.7 should exempt utilities that already provide all discontinuance notices in English and Spanish from its requirements. Those utilities should not be required to place a statement in Spanish on each bill informing customers that they may request notice of discontinuance in Spanish and create a toll-free number to answer such requests. **(NUI)**

RESPONSE: The Board commends those utilities that currently offer bills and notices of discontinuance in Spanish. Additionally, the Board does not wish to burden utilities that are already in compliance with the rule, by requiring them to create a toll free number to handle requests for notices of discontinuance in Spanish, where the utility already provides them. Accordingly, the Board has modified the rule upon adoption to address the commenter's concerns.

12. **COMMENT:** The proposed rules should be modified to provide for an exemption for utilities operating in small geographic areas without a significant Hispanic speaking population. The requirements are unilateral and disregard unique factual information such as customer base, company size, geographic area served, percentage of Hispanic population served and number of pertinent customer inquiries. In addition, the proposed rules do not address situations where all telephone calls to a company are toll free.

(SWC)(WVT)

RESPONSE: Proposed N.J.A.C. 14:3-7.7 attempts to provide an important protection to Spanish speaking customers while minimizing the requirements placed on utilities. Even where there are very few Spanish-speaking customers, those customers should be able to obtain notice of discontinuance in Spanish. The opt-in procedure will ensure that they can do so, without requiring utilities to distribute unneeded notices in Spanish. Moreover, utilities with service territories comprised of a small percentage of Spanish-speaking customers will not be overly burdened because the rules only require utilities to distribute notices in Spanish upon request.

N.J.A.C. 14:3-7.14 Discontinuance of Service to Tenants

13. **COMMENT:** The proposed amendment to N.J.A.C. 14:3-7.14(a) would require, where posting is the method of notice of discontinuance of service, that a copy of the notice be placed on each tenant's car windshield and/or under the door of each tenant's dwelling. The meaning of "**and/or**" is unclear, and this unclarity should be rectified.

(SJG) The utility has no legal authority to be tampering with personal property owned by individuals with whom it has no contractual relationship. This proposal raises serious legal questions. **(SJG)(MWC)(ETG)**

RESPONSE: The Board's intent is that the utilities use at least one of these methods, to ensure that tenants receive adequate notice when service termination is imminent, either by placing the notices under the apartment door or on tenant's car windshields. Accordingly, the rule has been clarified upon adoption to indicate this. Additionally, the Board believes that the adopted rule is necessary to ensure that people receive notice of pending discontinuance, and should not cause harm to property. Moreover, the Board views the placing of a simple notice under a car windshield as a commonly accepted practice in our society, engaged in by a variety of businesses for their own advertising purposes. Here, the notice being placed on the car windshield would be for the benefit of tenants who are at risk of losing their utility services. In such circumstances, the commenters description of the placement of such a notice as possible "tampering" is unpersuasive.

14. **COMMENT:** The proposed amendment to N.J.A.C. 14:3-7.14(a) raises problems. In most situations, the utility does not have access to the hallways of buildings or actual doorways. In certain apartment or other multi-dwelling complexes, the utility only has access to exterior meters, and cannot access the door of each tenant's dwelling. This raises safety and trespassing concerns since it requires a utility employee to determine a way to get inside the building. **(NJR)(NUI)(PSE&G)(JCP&L)**

15. **COMMENT:** To meet the objective of the amendment to N.J.A.C. 14:3-7.14(a), it is suggested that the utility send a copy of the notice of discontinuance to the local Board of Health and the Mayor of the municipality in which the premises are located. This should be done in addition to the current system of posting notices in the accessible common areas. **(NJR)**

RESPONSE to comments 14 and 15: The Board believes that it is crucial that tenants be made aware that their utility service is in jeopardy of discontinuance where the landlord is responsible for paying the bill and is delinquent. Moreover, customers may be deprived of such notice because third parties may remove utility postings in public areas. As a result, it is expected that a utility will make its best effort, within the confines of the law, to gain access to the building for the purpose of posting and delivering the required notice. In addition, N.J.A.C. 14:3-7.15 provides that "All electric and gas public utilities shall annually notify all municipalities located within their service area that, upon request, they and/or any enforcing agency enforcing the Uniform Fire Code (N.J.A.C. 5:18) within the municipality, will be sent a daily list of the residential customer of record and premises located within the municipality at which gas or electric service was discontinued involuntarily on the preceding day."

16. **COMMENT:** Regarding the proposed amendment to N.J.A.C. 14:3-7.14(a), since the responsible party for the account would be the landlord, it would be difficult for a utility to mail the notice to individual tenants who do not have account records with the utility. The landlord is not required to divulge tenant names. Leaving the notice on tenant's cars may prove ineffective, since notices can be removed by wind or individuals. **(NUI) (JCP&L)**

17. COMMENT: The requirement to place a notice under a tenant's door should be modified to read: "**where possible**", as building security may prevent access to tenants' doors. The notices posted in conspicuous locations could be removed unless there is a statement on the notice prohibiting removal. **(NUI)**

RESPONSE to comments 16 and 17: The Board agrees that there may be instances where the utility cannot gain access to an apartment complex. Therefore, the rule has been modified upon adoption to require utilities to use their best efforts to provide notice of pending discontinuance by placing such notice under each tenant's door or on each tenant's car windshield.

18. COMMENT: The proposed amendment to N.J.A.C. 14:3-7.14(a) is impractical, expensive, likely to be ineffective and will require additional resources with no guarantee of improved collections. Furthermore, notices on cars will result in information going to unintended individuals and will simply create litter. The requirement to place the discontinuance notice on each tenant's car windshield appears to assume all tenants have cars, and all cars are easily identifiable and accessible. This could lead tenants who do not have cars to claim that they have been treated inequitably. Moreover, the proposal to place copies of the notice under each tenant's door could involve more time, effort and expense, without a reasonable basis to expect increased attention from each tenant. It is suggested that a better alternative would be to appoint a working group to address the issues in this proposal and to develop effective methods for addressing them. Accordingly, we strongly object and urge the Board not to adopt this proposal. **(JCP&L)(MWC) (ETW) (PSE&G)**

RESPONSE: The proposed rule provides utilities with two options: 1) they may place the notice on tenants' windshields, or 2) under the door of each apartment. The Board believes that in most cases, at least one of these options will be feasible. Regarding the issue of tenants without cars, while the Board is aware that some tenants may not receive the notice, this additional notice will increase the number of tenants notified. Although the Board recognizes that the new requirement will require some additional resources, tenants should be made aware of the threat of discontinuance and should have the opportunity to resolve the matter with a landlord or make other arrangements for service. Granted, it may not be possible to notify every single tenant of a pending discontinuance, but the methods adopted in the rule will increase the number of tenants that are notified and who are thus able to take appropriate action.

19. COMMENT: The proposed amendment relating to discontinuance of service to tenants should be modified to read as follows: If a utility uses posting as method of notice, it shall also send a copy of the notice by mail to all tenants whose mailing address can be determined with reasonable diligence, and shall: (1) include with each copy of the notice that is posted at least twice as many copies of the notice as the number of units known or reasonably estimated to be affected; (2) to the greatest extent possible, place a copy of the notice under the door, or affix a copy to the door, of each tenant's dwelling; and (3) to the greatest extent possible, place a copy of the notice on each tenant's car windshield. **(LSNJ)**

RESPONSE: The Board does not believe that the suggested language will be sufficient to maximize notice to each customer who may be subject to discontinuance. The

commenter's suggested language is equivalent to the proposal, except that it would provide the option of putting notices on doors as well as under them, and putting multiple copies out with each posting. Therefore, the Board has not adopted the suggested change. However, the provision has been modified upon adoption to require utilities to use their best efforts, and a suggestion has been added that the utilities send a mailing to landlords to obtain tenants' names.

20. **COMMENT:** The proposed amendment relating to discontinuance of service to tenants could better be served if the owner of a complex was made responsible for payment by allowing water companies the ability to put a lien on the property and subject to sales tax. This would alleviate the need to shut off the water service and the tenants therefore would be unaffected. (ETW)

RESPONSE: While this suggestion might prove effective in some contexts, the Board does not have the authority to authorize utilities to place a lien against a customer's property.

Summary of Agency-Initiated Changes:

1. The definition of "residential customer" has been clarified on adoption to help distinguish it from a landlord who is a customer.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. require State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal Standards Analysis. N.J.A.C. 14:3 is not promulgated under the authority of, or in order to implement, comply with or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. do not require a Federal Standards Analysis for this adoption.

Full text of the adoption follows (additions to proposal indicated in boldface **thus**; deletions from proposal indicated in brackets **[thus]**):

14:3-1.1 Definitions

The following words and terms, when used in N.J.A.C. 14:3 through 14:10, shall have the following meaning unless [the context] clearly indicate[s]d otherwise:

"Customer" means [any] the person [, partnership, firm, corporation, governmental subdivision, or agency that is an end-user receiving] identified in the account records of a utility as the person responsible for payment of the utility bill [service from any utility electric, gas, telephone, water or wastewater company]. A customer may or may not be an end user, as defined herein.

"End user" means a person who receives, uses, or consumes electricity, gas, telephone, water or wastewater service. An end user may or may not be a customer, as defined herein.

"Residential customer" means [an individual person(s)] a customer who [applies for] receives utility service [to be billed in his or her name, pays a security deposit, if appropriate and requested, and accepts responsibility for payment of any utility service provided] for use in a residence.

"Person" means an individual, firm, joint venture, partnership, co-partnership, corporation, association, State, county, municipality, public agency or authority, bi-state or interstate agency or authority, public utility, regulated entity, cable television company, cooperation association, or joint stock association, trust, limited liability company, governmental entity, or other legal entity, and includes any trustee, receiver, assignee, or personal representative thereof.

14:3-5.1 Location

(a) Each utility shall maintain an office in its New Jersey service area, the current location of which shall be furnished to the Board's Division of Customer Assistance, where applications for service, complaints, service inquiries, bill payments, and so forth, will be received.

1. Each utility shall annually provide the Board with a list of its in-person business offices, setting forth the location of and functions performed at each office; and
2. The utility shall file written notice with the Board of any proposed change in the functions of one or more of these offices at least 14 business days prior to the change being made.

(b) - (e) (No change.)

14:3-6.6 Telephone System Information

(a) On January 1 and July 1 of each year, each electric, gas, local exchange carrier telephone, Class A water and Class A wastewater utility shall provide the Board with the following information concerning the operation of the utility's telephone system:

1.-20.(No change.)

21. If a telephone answering service is used:

- i. The name and address of the answering service and the hours during which said service is used. In addition, the utility shall indicate whether or not the answering service receives all incoming calls or for specific departments; and
- ii. The information required pursuant to (i) above shall be provided to the Board within 90 days of the effective date of this rule and annually thereafter.

(b) Each utility shall, within 30 days, inform the Board of any substantive change in the information filed pursuant to this section.

(c) If a utility uses a telephone answering service, the utility must ensure that the service shall inform each customer that they are speaking to an answering service and not to the utility.

14:3-7.7 Information to Customers

(a) Each utility shall adopt some method of informing its customers as to the reading of meters, either by printing on bills a description of the method of reading meters, or a notice to the effect that the method will be explained on request, giving the address and telephone number where such information may be obtained. In addition, the utility shall furnish the address of an office where complaints, service inquiries and bill payments will be received.

(b) [Each] Except pursuant to (c) below, each utility shall [include] provide an option for discontinuance notices in Spanish, by including on each bill a statement, written in Spanish, informing the customer that they may request that any notice of discontinuance be provided to them in Spanish. The bill shall provide a toll free telephone number for the customer to call in order to make such a request. Once the utility receives a request to provide a written notice of discontinuance in Spanish, all subsequent written notices of discontinuance to the requesting customer shall be provided in both Spanish and English.

(c) A utility that provides all written notices of discontinuance in both Spanish and English shall not be required to provide the option and toll free telephone numbers for Spanish discontinuance notices, required under (b) above. Such a utility shall instead demonstrate to the Board within 90 days after {adoption of this rule} that it provides notices in Spanish as well as English. The utility shall submit copies of the notices, and shall certify that the company's notice practices provide Spanish speaking customers with notice of discontinuance that is equivalent to or better than that which would be provided through compliance with (b) above. If such a utility stops providing all written notices of discontinuance in both Spanish and English, the utility shall provide the option and toll free telephone number in accordance with (b) above.

14:3-7.12 Notice of Discontinuance

(a) The customer shall be given a period of at least 15 days for payment after the postmark date indicated on the envelope in which the bill was transmitted. In the absence of a postmark, the burden of proving the date of mailing shall be upon the utility. When a customer mails any payment for the net amount of a bill for service, and such payment is received at the utility's office not more than two full business days after the due date printed on the bill, the customer shall be deemed to have made timely payment. A public utility may discontinue service for nonpayment of bills provided it gives the customer, except for a fire protection service customer as set out in (f) below, at least 10 days written notice of its intention to discontinue. This written notice shall be sent by first class mail, apart from the bill and as a separate mailing. However, should a utility find that compliance with this rule would result in financial harm and/or would negatively impact the utility's daily operations, the utility may file a written request for

exemption with the Secretary of the Board, setting forth the basis for such request. The notice of discontinuance shall not be served until the expiration of the said 15-day period. A new notice shall be served by the utility each time it intends to discontinue service for nonpayment of a bill except that no additional notice shall be required when, in response to a notice of discontinuance, payment by check is subsequently dishonored. However, in the case of fraud, illegal use, or when it is clearly indicated that the customer is preparing to leave, the 15-day period shall be waived and immediate payment of accounts may be required. An electric, gas, telephone, water, or wastewater company shall, upon request of the customer, send a Spanish language version of the notice of discontinuance.

1.-4. (No change.)

(b) - (f) (No change.)

14:3-7.14 Discontinuance of Service to Tenants

(a) Electric, gas, water and wastewater public utilities shall make every reasonable attempt to determine when a landlord-tenant relationship exists at premises being serviced. If such a relationship is known to exist, and if the tenants are not the customers but are end-users, as these terms are defined at N.J.A.C. 14:3-1.1, discontinuance of service is prohibited unless the utility has, notwithstanding the time periods set out in N.J.A.C. 14:3-7.12(a), given a 15-day written notice to the owner of the premises or to the customer to whom the last preceding bill was rendered. Further, the utilities shall use their best efforts to include a form soliciting the names and addresses of each tenant with all such notices of discontinuance, and upon receipt of the list, use its best efforts to send copies of the discontinuance notice to all tenants. In addition, the utility shall provide the tenant(s) with a 15-day written notice which shall be hand delivered, mailed, or posted in a conspicuous area of the premises and in the common areas of multiple family premises.

(b) If a utility uses posting as the method of notice, each utility shall use its best efforts to [it shall] also place a copy of the notice on each tenant's car windshield [and/] or [place the notice] under the door of each tenant's dwelling. In the case of tenants of single and two-family dwellings, each tenant shall also be provided with a 15-day individual notice. Each utility shall offer the tenant(s) continued service to be billed to the tenant(s) unless the utility demonstrates that such billing is not feasible. The continuation of service to a tenant shall not be conditioned upon payment by the tenant of any outstanding bills due upon the account of any other person. The utility shall not be held to the requirements of this provision if the existence of a landlord-tenant relationship could not be reasonably ascertained.

(b) - (d) (Recodify as (c)–(e), no change in text.)